Calendar No. 944

99TH CONGRESS
2d Session

SENATE

REPORT
99-460

DEEP SEABED HARD MINERAL RESOURCES REAUTHORIZATION ACT OF 1986

SEPTEMBER 19 (legislative day, SEPTEMBER 15), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 4212]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 4212) to provide for the reauthorization of the Deep Seabed Hard Mineral Resources Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

To provide for a 3-year reauthorization of the Deep Seabed Hard Mineral Resources Act.

BACKGROUND AND NEED

Lying on the floor of the Pacific, Atlantic, and Indian Oceans, are manganese nodules which are fist-size, potato-shaped concretions containing commercially interesting amounts of manganese, cobalt, nickle and copper, as well as molybdenum, vanadium and zinc. The most economically promising area for the nodules is an east-west belt in the east central Pacific, south of Hawaii, approximately 13 square nautical miles, known as the "Clarion-Clipperton Zone." The nodules in this area have a high average percentage of valuable metals (approximately 1.3 percent nickel, 1.1 percent copper, 0.2 percent cobalt, 25 percent manganese). The area is estimated to contain 3.6 to 13.5 billion metric tons of nodules.

Industrial and national interest over the past 20 years in commercial recovery of manganese nodules, including Law of the Sea

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negotiations, led to enactment on June 28, 1980, of the Deep Seabed, Hard Mineral Resources Act (DSHMRA). The Act authorizes the Natural Oceanic and Atmospheric Administration (NOAA) to issue licenses for exploration after 1981, and permits for commercial recovery of manganese nodules in 1988. The Act is intended to provide regulatory certainty to enable continued development of the deep sea mining industry and provide an orderly progression from no regulation, to U.S. regulation of its citizens with recognition of miners operating under similar regimes in other countries, to mining under an international regime. The minerals covered by the 1980 Act lie beyond the limits of national jurisdiction.

Generally, the Act authorizes issuance of licenses and permits for exploration and commercial recovery operations by U.S. citizens, subject to regulations imposed by the Administrator of NOAA under appropriate terms, conditions and restrictions. The Act also requires promulgation of regulations (now found in 15 CFR Part 970) addressing issues such as protection of the marine environment, conservation of natural resources and safety of life and property at sea. The Act encourages conclusion of a comprehenisve Law of the Sea Treaty that assures nondiscriminatory access to deep seabed hard mineral resources under conditions as protective of the marine environment as those provided in the Act.

The Act was intended to respond to uncertainties about the legal status of deep seabed miners in international waters. U.S. companies and their international corporate partners trying to explore and develop seabed nodules asserted that they could not continue indefinitely to risk their own investment funds.

In fiscal year 1987, the license effort will involve oversight of licensees' exploration work; processing of amendments reflecting changes in corporated membership and in exploration plans; discussion with applicants regarding environmental aspects of mining system tests; and consultation with corporations considering applying for licenses as new entrants. In parallel with the license process, NOAA has also developed proposed commerical recovery regulations published on July 25, 1986. In fiscal year 1987, NOAA will be engaged in discussions with applicants regarding requirements associated with applications for mining permits (e.g. the submission of environmental baseline data).

Congress has reauthorized the DSHMRA twice since its original enactment. Public Law 97-416 reauthorized the program for fiscal years 1983 and 1984 and Public Law 98-623 reauthorized it for fiscal years 1985 and 1986. Neither of these laws made substantive changes to the Act. Enactment of H.R. 4212 will authorize funds to enable NOAA to continue to update its licensing and environmental research efforts and to embark on the process of awarding commercial recovery permits.

H.R. 4212 provides for a 3-year reauthorization of the Deep Seabed Hard Mineral Resources Act and authorizes funding at the current level of $1.5 million for each year.

Legislative History

H.R. 4212 (Mikulski, Jones of NC., and Lowry of WA.) was introduced in the House of Representatives on February 24, 1986. The

House Subcommittee on Mining and Natural Resources held a hearing and markup on H.R. 4112 on March 18, 1986. The subcommittee recommended the bill to the full House Interior and Insular Affairs Committee without amendment and the Committee approved the bill by voice vote on April 9, 1986 (Report No. 99-609 (Part I)). The bill was reported by the House Merchant Marine and Fisheries Committee on June 10, 1986 (Report No. 99-609 (Part II)). The bill passed the House on July 21, 1986, by a voice vote. The bill was received in the Senate and referred to the Committee on Energy and Natural Resources on July 24, 1986.

Committee Recommendation and Tabulation of Votes

The Senate Committee on Energy and Natural Resources met in open business session on September 17, 1986, and by unanimous voice vote of a quorum present recommends that the Senate pass H.R. 4212 without amendment.

Section-by-Section Analysis

Section 1 provides a short title for the Act, the "Deep Seabed Hard Mineral Resources Reauthorization Act of 1986."

Section 2 amends section 310 of the act to authorize $1,500,000 for each of the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 18, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for H.R. 4212, the Deep Seabed Hard Mineral Resources Reauthorization Act of 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner, Director.

Congressional Budget Office—Cost Estimate

1. Bill number: H.R. 4212.

2. Bill title: Deep Seabed Hard Mineral Resources Reauthorization Act of 1986.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, September 17, 1986.

4. Bill purpose: H.R. 4212 would authorize appropriations of $1.5 million for each of the fiscal years 1987 through 1989. These funds would be used by the National Oceanic and Atmospheric Administration to carry out the provisions of the Deep Seabed Hard Miner-

al Resources Act (Public Law 96–283, as amended), including activities relating to deep seabed mining licensing, environmental research programs, environmental assessments, and support functions for Law of the Sea negotiations.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Authorization level	1.5	1.5	1.5	.....	.....
Estimated outlays	1.0	1.4	1.5	0.5	0.1

The costs of this bill fall within budget function 300.

Basis of Estimate: The authorization levels are those stated in the bill. For purposes of this estimate, the full amounts authorized are assumed to be appropriated prior to the start of each fiscal year. Outlays have been estimated on the basis of historical spending patterns.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On June 9, 1986, CBO prepared a cost estimate for H.R. 4212, the Deep Seabed Hard Mineral Resources Reauthorization Act of 1986, as ordered reported by the House Committee on Merchant Marine and Fisheries. This estimate is identical to that earlier submission.

9. Estimate prepared by: Deb Reis and Michael Sieverts.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 4212. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 4212, as reported.

Executive Communications

The Committee on Energy and Natural Resources did not request any executive comments on H.R. 4212.

Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by H.R. 4212 as reported (existing law proposed to be omitted is enclosed in black brackets, new matter is printed

in italic, and existing law in which no change is proposed is shown in Roman):

30 U.S.C. 1470

* * * * * * *

§ 1470. Authorization of appropriations

There are authorized to be appropriated to the Administrator, for purposes of carrying out the provisions of subchapters I and II of this chapter and this subchapter, such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982, and $1,469,000 for the fiscal year ending September 30, 1983, $2,150,000 for the fiscal year ending September 30, 1984, [and] $1,500,000 for each of the fiscal years ending September 30, 1985, and Septemoer 30, 1986, *and $1,500,000 for each of the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989.*

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Calendar No. 945

99TH CONGRESS
2d Session

SENATE

REPORT
99-461

AUTHORIZING A MEMORIAL TO WOMEN WHO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES

SEPTEMBER 19 (legislative day, SEPTEMBER 15), 1986.—Order to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.J. Res. 36]

The Committee on Energy and Natural Resources, to which was referred the joint resolution (H.J. Res. 36) authorizing establishment of a memorial to honor women who have served in or with the Armed Forces of the Unites States, having considered the same, reports favorably thereon with an amendment to the text and an amendment to the title and recommends that the joint resolution, as amended, do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert in lieu thereof:

AUTHORIZATION OF MEMORIAL

SECTION 1. There is hereby authorized to be established on Federal land in the District of Columbia and its environs, by any organization or organizations approved by the Secretary of the Interior, a memorial to honor women who have served in the Armed Forces of the United States. Such memorial shall be established in accordance with the provisions of H.R. 4378, as approved by the Senate on September 10, 1986 (S. Rept. 99-421).

FUNDING

SEC. 2. The organization or organizations approved by the Secretary shall establish the memorial with non-Federal funds.

2. Amend the title so as to read:

A resolution to authorize the establishment of a memorial on Federal land in the District of Columbia and its environs to honor women who have served in the Armed Forces of the United States.

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PURPOSE OF THE MEASURE

The purpose of H.J. Res. 36, as reported by the Committee on Energy and Natural Resources, is to authorize the establishment of a memorial on Federal land in the District of Columbia and its environs to honor women who served in the Armed Forces of the United States.

BACKGROUND AND NEED

Throughout our history, women have contributed to the national defense with dedication and courage in whatever capacity they were needed. Beginning with the "women of the Army" during the Revolutionary War, women have provided major assistance during all wars in which our Nation has been engaged.

The Army Nurse Corps and then the Navy Nurse Corps were formed in the early 1900's. It was in World War I that women became official members of the Navy and Marines in a non-medical capacity. Over 13,000 women served as Yeomanettes and Women Marines. However, it was in World War II that women were brought in to the armed services in substantial numbers to relieve men for combat duty overseas. The WAC's, the WAVES, the Women Marines, the SPAR's, and the WASP's each served during this period. Almost 400,000 women participated in the military services during World War II.

Today, women make up about 10 percent of the total military force. They are now able to enter and graduate from the service academies and serve in all capacities except those closed to them because of the combat exclusion policy. Currently, there are approximately 1,150,000 women veterans.

H.J. Res. 36, as reported by the Committee on Energy and Natural Resources, authorizes the establishment of a privately funded memorial to honor women veterans.

LEGISLATIVE HISTORY

H.J. Res. 36 was approved by the House of Representatives on November 6, 1985. Similar legislation, S.J. Res. 156, was introduced by Senator Murkowski on July 10, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on S.J. Res. 156 on October 29, 1985.

At a business meeting on September 17, 1986, the Senate Committee on Energy and Natural Resources ordered H.J. Res. 36, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 17, 1986, by unanimous voice vote of a quorum present recommends that the Senate pass H.J. Res. 36, if amended, as described herein.

COMMITTEE AMENDMENTS

The Committee amendment in the nature of a substitute modifies H.J. Res. 36 to make the legislation comply with the commemo-

rative work policy legislation approved by the Senate on September 10, 1986 (H.R. 4378, S. Rept. 99-421). See appendix for the text of H.R. 4378 as passed by the Senate on September 10, 1986. The Committee amendment to the title modifies the title to better reflect the purpose of the joint resolution.

Additionally, the amendment substitutes the language of S.J. Res. 156, which authorizes the erection of a memorial to honor women who served in the Armed Forces by an organization or organizations approved by the Secretary of the Interior. The memorial is to be established with private funds.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 18, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.J. Res. 36, a joint resolution to authorize the establishment of a memorial on federal land in the District of Columbia and its environs to honor women who have served in the Armed Forces of the United States. Enactment of H.J. Res. 36, as ordered reported by the Senate Committee on Energy and Natural Resources on September 17, 1986, is not expected to result in any cost to the federal government or to state or local governments, because the memorial would be established with nonfederal funds.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD GRAMLICH
(For Rudolph G. Penner, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.J. Res. 36. The joint resolution is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.J. Res. 36, as reported.

EXECUTIVE COMMUNICATIONS

On September 8, 1986, the Committee on Energy and Natural Resources requested legislative reports from the Department of the

Interior and the Office of Management and Budget setting forth executive views on H.J. Res. 36. These reports had not been received at the time the report on H.J. Res. 36 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate. However, the National Capital Memorial Advisory Committee which advises the Secretary of the Interior has favorably recommended H.J. Res. 36, as passed by the House or Representatives, if amended to include the role of the Secretary of the Interior as to site and design approval, certification of funds for the construction of the memorial, and responsibility and care after completion of construction. The Committee amendment addresses these concerns.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the joint resolution H.J. Res. 36, as reported.

APPENDIX

Reprinted below is the language of H.R. 4378, as approved by the Senate on September 10, 1986. The Act incorporates four amendments to the Committee-reported legislation offered on the Senate Floor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES

SECTION 1. The purposes of this Act are as follows:

(a) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(b) to ensure the continued public use and enjoyment of open space in the District of Columbia;

(c) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(d) to ensure that future commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs (1) are appropriately designed, constructed, and located and (2) reflect a consensus of the lasting national significance of the subjects involved.

DEFINITIONS

SEC. 2. As used in this Act--

(a) the term "Secretary" means the Secretary of the Interior;

(b) the term "Administrator" means the Administrator of the General Services Administration;

(c) the term "commemorative work" means any statue, monument, sculpture, memorial, or other structure or landscape feature, including a garden or memorial or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event or other significant element of history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

(d) the term "person" means an individual, group or organization authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

(e) notwithstanding any other provision of law, the term "the District of Columbia and its environs" means those lands and properties administered by the National Park Service and the General Services Administration located in Areas I and II as

depicted on the map numbered 869/86501, and dated May 1, 1986.

CONGRESSIONAL AUTHORIZATION OF COMMEMORATIVE WORKS IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS

SEC. 3. (a) No commemorative work may be established in the District of Columbia and its environs unless specifically authorized by Act of Congress. All such authorized commemorative works shall be subject to applicable provisions of this Act.

(b) In considering legislation authorizing commemorative works within the District of Columbia and its environs, the appropriate congressional authorizing Committees shall solicit the views of the National Capital Memorial Commission.

NATIONAL CAPITAL MEMORIAL COMMISSION

SEC. 4. (a) The National Capital Memorial Advisory Committee as established by the Secretary is redesignated as the National Capital Memorial Commission. The membership of the Commission shall be expanded to include:

Director, National Park Service (Chairman)
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Chairman, National Capital Planning Commission
Mayor, District of Columbia
Commissioner, Public Building Service, General Services Administration
Secretary, Department of Defense

(b) The National Capital Memorial Commission shall advise the Secretary and the Administrator on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission shall meet at least twice annually.

AVAILABILITY OF MAP DEPICTING AREA I AND AREA II

SEC. 5. The Secretary and the Administrator shall make available for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II

SEC. 6. (a) AREA I. In addition to conditions set forth in subsection (b) of this section, no commemorative work may be located in Area I unless the Secretary or Administrator (as appropriate), after consultation with the National Capital Memorial Commission, finds that the subject of the commemorative work is of preeminent historical and lasting significance to the Nation. The Secretary or Administrator (as appropriate) shall notify the Congress of his determination that a commemorative work should be located within Area I. Unless the Congress enacts a joint resolution approving

such determination within ninety days of such notification, the determination shall be deemed disapproved.

(b) AREA II.—Commemorative works of subjects of lasting historical significance may be located in Area II, subject to the following conditions:

(1) A military commemorative work may be established in Area II only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No commemorative work commemorating a lesser conflict or a unit of an Armed Force shall be permitted in Area II.

(2) A commemorative work commemorating an individual or group of individuals, other than a military commemorative work as described in subsection (b)(1) of this section, shall not be permitted in Area II until at least twenty-five years after the death of the individual or the last surviving member of the group.

(3) A commemorative work other than a work referred to in paragraph (1) or (2) may be constructed in Area II only to commemorate a subject of lasting historical significance.

SITE AND DESIGN APPROVAL

SEC. 7. (a) Any person authorized by law to establish a commemorative work in the District of Columbia and its environs shall comply with each of the following requirements before commencing construction of the commemorative work:

(1) Such person shall consult with the National Capital Memorial Commission regarding the commemorative work. Such consultation shall include consideration of potential sites in the District of Columbia and its environs.

(2) Following consultation in accordance with paragraph (1) of this section, such person shall submit site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission and the Secretary or Administrator (as appropriate) for their approval.

(b) In considering site and design proposals, the Commission of Fine Arts, the National Capital Planning Commission and the Secretary and Administrator shall be guided by the following criteria:

(1) to the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the commemorative work;

(2) a commemorative work shall be so located as to prevent interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent practicable, open space and existing public use; and

(3) a commemorative work shall be constructed of durable material suitable to the outdoor environment. landscape features of commemorative works shall be compatible with the climate.

CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT

SEC. 8. (a) Prior to issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall detemine that:

(1) the site and design have been approved by the Secretary or Administrator (as appropriate), the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable persons qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work, and to assure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contracts for construction and drawings of the commemorative work to the Secretary or Administrator (as appropriate); and

(4) the person authorized to construct the commemorative work has available sufficient funds to complete construction of the project.

(b) In addition to the foregoing criteria, no construction permit shall be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 per centum of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work: *Provided,* That the provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 per centum of the funding for such work is provided by private sources.

(1) Notwithstanding any other provision of law, all moneys provided by persons for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) Congress authorizes and directs that the Secretary of the Treasury shall make all or a portion of such moneys available to the Secretary or the Administrator at his request for maintenance of commemorative works. Under no circumstances may the Secretary or Administrator request funds from the separate account exceeding the total moneys deposited by persons establishing commemorative works in areas he administers. The Secretary and the Administrator shall maintain an inventory of funds available for such purposes: *Provided,* That such moneys shall not be subject to annual appropriations.

TEMPORARY SITE STUDY

SEC. 9. (a) Within one year after the date of enactment, the Secretary and the Administrator shall, in consultation with the National Capital Memorial Commission, prepare and transmit to the Congress a study assessing the need for establishing an area within the District of Columbia and its environs where commemorative works may be sited on a temporary basis.

(b) Such a study shall include but not be limited to recommendations regarding the need for such an area; the location; the criteria for placement of commemorative works; management and administration of the area; and other factors as the Secretary and the Administrator deem appropriate.

MISCELLANEOUS PROVISIONS

SEC. 10. (a) Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to and permanently maintained by the Secretary of the Administrator (as appropriate).

(b) Any legislative authority for a commemorative work shall expire at the end of the five-year period beginning on the date of the enactment of such authority, unless the Secretary or Administrator (as appropriate) has issued a construction permit for the commemorative work during that period.

(c) Upon completion of any commemorative work within the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall assume responsibility for the maintenance of such work.

(d) The Secretary and the Administrator shall promulgate appropriate regulations to carry out this Act. The regulations shall be published in the Federal Register within one hundred and twenty days after the enactment of this Act.

(e) This Act shall not apply to commemorative works authorized by a law enacted before the commencement of the Ninety-ninth Congress.

Amend the title so as to read:

> An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes.

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